

TABLE OF CONTENTS

4.1 LAND USE AND AGRICULTURE.....	1
Introduction	1
Impacts Evaluated in Other Sections	1
Affected Environment (Setting)	2
San Joaquin County	2
City of Lodi.....	3
Surrounding Land Uses	4
City of Lodi General Plan	4
San Joaquin County General Plan	4
City of Stockton General Plan	6
Greenbelt Task Force.....	6
Goals, Objectives, and Policies	6
Evaluation Criteria with Points of Significance	7
Methodology	8
Environmental Consequences (Impacts) and Recommended Mitigation	9
Cumulative Impacts	12

LIST OF TABLES

Table 4.1-1	General Plan Goals, Objectives, and Policies - Land Use and Agriculture	7
Table 4.1-2	Evaluation Criteria with Point of Significance - Land Use	8
Table 4.1-3	Land Use Impacts	9

LIST OF FIGURES

Figure 4.1-1	San Joaquin County Plan Land Use	5
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4.1 LAND USE AND AGRICULTURE

INTRODUCTION

This section discusses the consistency of the project changes with existing and planned land uses and existing zoning. The section also discusses impacts on public open space, impacts to agriculture, and compatibility with the nearby airport. To provide a basis for this evaluation, the setting section provides information on regional land use patterns, General Plans of the jurisdictions within the study area, and existing and planned land uses within the vicinity of project components.

IMPACTS EVALUATED IN OTHER SECTIONS

The Land Use Section covers issues specifically related to land use planning and conversion of agricultural land. It does not cover associated topics such as geology, soils and seismicity, water quality and hydrology (including a problem with heavy metals disposal in wastewater), and public health and safety. The following items are related to the Land Use Section but are evaluated in other sections of this document:

- **Geology, Soils and Seismicity.** This Land Use and Agriculture Section evaluates consistency of project changes with General Plans and other public policy documents regarding land use/agricultural issues only. Issues regarding soils and possible liquefaction are addressed in Section 4.2. The proposed ProStyle Sports Complex would cover soil substrates needed for wastewater purification, especially a depository for heavy metals suspended in wastewater. A previous DEIR discusses the issues that pertain to a need for agricultural land having heavy metal accumulation attributes (Jones & Stokes Associates 1988).
- **Water Quality and Hydrology.** The issue of reclaimed water use on water quality and hydrology are addressed in Section 4.3. Elements of the proposed ProStyle Sports Complex (buildings, aquatic center, and non-grassed or landscape areas) are in apparent conflict with the Delta Basin Plan, which is a water quality pollution control plan encouraging land application of domestic effluent. In addition, apparent conflicts exist with the DEIR for the White Slough Water Pollution Control Facility Expansion (Chapter 4.3), having to do with a need to dispose of heavy metals from industrial and domestic effluent applied to agricultural land. The Environmental Health Division of the San Joaquin County Department of Public Health Services is concerned about the impacts to the “remaining disposal area in the noncontiguous incorporated area utilized for sewage disposal” from the withdrawal of the 400 acres needed to build the project. Additional land will be needed for the disposal of the biosolids from White Slough Water Pollution Control Facility.

- **Public Health and Safety.** Potential Impacts to public health and safety from the continued application of reclaimed water to sports fields in the vicinity of a medical facility, effects of crop spray drift on the outdoor aquatics sports center, and the apparent land use conflict with Kingdon Airpark are discussed in Section 4.4. The County has raised concerns on the public health and safety issues of using recycled wastewater to irrigate sports fields and wants hazards identified and mitigation implemented.

AFFECTED ENVIRONMENT (SETTING)

The project area is within the City of Lodi. Other jurisdictions potentially affected by the project include the County of San Joaquin and the City of Stockton.

San Joaquin County

Land use of unincorporated San Joaquin County surrounding the project area is agricultural, designated as AG (General Agriculture) and General Agriculture and Resource Conservation (OS/RC). Agriculture is one of the most important land uses in the County, with a diversity of agricultural operations, including vineyards, orchards, dairies, forage crops, specialty crops, and livestock. An overview of the land use and agriculture setting, appears in a previous DEIR that focused on the southern half of the site (QUAD Consultants 1995).

In 1995, the land at the site was being farmed for commodity crops grown watered by effluent from the existing water pollution control facility. Surrounding forms of land use were rural and agricultural. At the time San Joaquin County farmlands and dairies in the vicinity of the project site were zoned AG-40. The site itself was unclassified under the City of Lodi Zoning Ordinance. No substantial change in forms and density of land use have occurred since 1995 with the exception of the zoning classification. The City of Lodi removed the County of San Joaquin AG-40 and applied the City of Lodi Public zoning designation. The site was withdrawn from Williamson Act protection.

Williamson Act Lands

Williamson Act lands almost completely surround the Project site. The usual agricultural activities occur on this land including crop spraying, animal husbandry, and feed growing and storage.

At one time, the project site was in a Williamson Act agricultural preserve, but the land was withdrawn on April 25, 1989 to allow for an adopted Alternative in the EIR for the White Slough Wastewater Treatment Plant. During the 1995 EIR commenting process for the California Youth Soccer Association at the project site, the Department of Conservation submitted a letter regarding restrictions identified in Government Code 51295 on the use of the land proposed for development. The letter submitted by the Department of Conservation stated that under California Government Code §51290, the City is required to notify the Director of the

Department of Conservation if they contain the notices and findings required by Government Code Sections 51290 and 51295. The letter also states that under §51295, former Williamson Act land sold to a private entity by a public entity must be re-enrolled in a contract or encumbered by an enforceable deed restriction. This is based on terms found in the Revenue and Taxation Code section 61 C, which states that a lease that extends beyond 35 years triggers a change in ownership (the California Youth Soccer Association would lease the land for 55 years). This restriction would encumber the property until March of 1997.

In October 1995, attorney John W. Stovall replied to the comment letter submitted by the Department of Conservation. In his response, Stovall explains that the Revenue and Taxation Code definition of change of ownership applies only to those issues that cause a reassessment of property value and does not correspond with or define "ownership" in any way. Stovall also notes that in the case of Pacific Southwest Realty Company vs. County of Los Angeles the Taxation and Revenue Code was determined to only have authority over property for tax purposes and not have authority over existing property law. His letter also notes that Government Code Section 654 provides an accurate definition of property. Therefore, the property should not be contracted or encumbered under a deed restriction. Since over ten years have past since the City acquired the land, the City is able to sell the land to private parties without re-encumbering the land under Williamson Act contract.

The County of San Joaquin General Plan envisions the site as "public/institutional". The City of Lodi General Plan indirectly infers that the site is part of the wastewater treatment facility. White Slough Water Pollution Control Facility currently uses the site to dispose of treated wastewater.

City of Lodi

The City of Lodi incorporated land, which includes the proposed project site, is entirely devoted to operations of a public facility, namely the White Slough Water Pollution Control Facility. The current discharge permit issued by the Central Valley Regional Water Quality Control Board to the City of Lodi is structured to encourage land application of domestic effluent. Application of effluent to the incorporated agricultural land of the proposed development site is mandated by a water pollution control plan termed the Delta Basin Plan (see Chapter 4.3).

Soils on the site of the proposed ProStyle Sports Complex are of the type and mineral composition to accept the application of heavy metal laden effluent from the wastewater facility (Jones & Stokes Associates, Inc. 1988). Wastewater is applied to these soils to facilitate farming of corn and alfalfa grown by lessees. The soils of the site are better able to trap suspended toxic metals contained in wastewater, than the sandy soils to the north and east of the site.

Surrounding Land Uses

A Freeway Service area, “Flag City,” exist two miles north of the site at the Interstate 5 interchange with State Route 12. Land use at this interchange is consistent with the San Joaquin General Plan designation for freeway service.

Areas west of the water treatment plant hold a Resource Conservation land use designation. The County of San Joaquin operates Oak Grove Regional Park about one and one-half miles south of the project on the south side of Eight Mile Road. This road is the anticipated northern limit of the City of Stockton (City of Stockton 1990).

Two airports exist in the area, but only one, Kingdon Airpark affects the use of the site. The site is located within Kingdon Airpark’s sphere of influence, and is in conflict with the horizontal and conical zones of the runway approach vectors. Kingdon is a privately owned, public use Basic Utility Stage II airport one mile northeast of the site of the proposed ProStyle Sports Complex (QUAD Consultants 1995).

City of Lodi General Plan

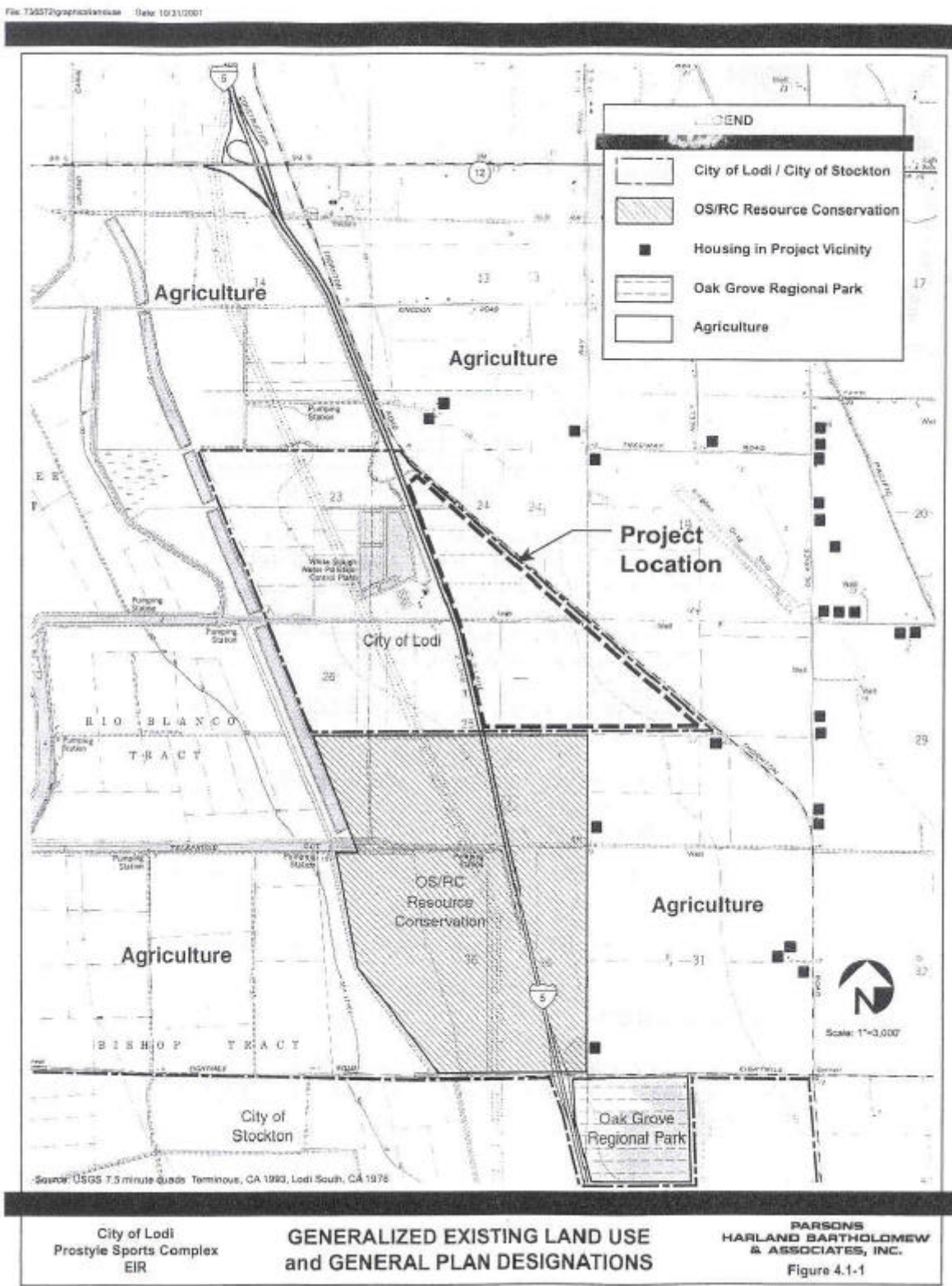
The City of Lodi General Plan (Figure 4.1-1) references the proposed area indirectly as part of the White Slough Water Pollution Control Facility “six miles southwest of the City” (Jones & Stokes Associates, Inc. 1990). None of the general plan elements, with the exception of wastewater in the City’s plan, specifically address the site of the proposed ProStyle Sports Complex and do not provide any land use designations at the site.

San Joaquin County General Plan

The San Joaquin County General Plan (1992) is applicable to the unincorporated areas of San Joaquin County and is intended to guide decisions regarding future growth, development, and conservation of resources through the year 2010. The County’s General Plan maps this area as “prime farmland, class III”. In accordance with this designation the City of Lodi leases the subject parcels to farmers who grow commodity crops such as corn and alfalfa. Farming has taken place on this land for numerous years. The property, purchased by the City of Lodi as a part of the White Slough upgrade project (Jones & Stokes Associates, Inc. 1988), was previously Williamson Act land.

An OS/RC Resource Conservation land use designation is adjacent to the southern portion of the project site and City of Lodi-owned parcels west of the project site. This land use designation prevents the development of areas containing sensitive environmental resources such as groundwater percolation areas, water resources, or sensitive habitat areas, unless specific site approval and exceptions are granted. Generally, land within the OS/RC designation remains as open space.

Figure 4.1-1 Existing Land Uses and General Plan Designations



City of Stockton General Plan

Stockton's northern city limit at Eight Mile Road is located approximately 1.25 miles south of Lodi's water treatment plant. Central Lodi is 13 miles north of central Stockton. Stockton's General Plan (1990) states that Lodi is "expected to continue its slow growth policy and attempt to maintain an open space buffer between itself and the City of Stockton."

Greenbelt Task Force

The Greenbelt Task Force, a multi-jurisdictional effort to study the preservation of agricultural lands between Lodi and Stockton, is comprised of the Cities of Lodi and Stockton, and the County of San Joaquin. On March 29, 2001, the Task Force unanimously adopted the recommendations contained in the Action Plan Memorandum of March 20, 2001. The adoption of these recommendations advances the study of a Lodi/Stockton Community Separator through the following resolutions:

- 1) Investigate land trusts. The County needs a land trust to administer the County's Open Space Program. Likely functions of the land trust would include, but not be limited to: receipt of fees generated by selected funding mechanisms; acquisition of property; and acquisition and administration of easements in perpetuity that further the goals of the Program. The land trust would engage transactions only with willing sellers.
- 2) Investigate funding mechanisms. Sources may include development fees, sales taxes, a farmland conversion ordinance, and other approaches.
- 3) Explore the feasibility of establishing an Urban Growth Boundary. Explore the feasibility of and approaches to creating an Urban Growth Boundary Line by mutual agreement or other means.
- 4) Ensure full involvement. Involve stakeholders in all discussion and deliberations.

To date, no resolutions specifically address land uses on the project site or other adjacent sites.

Goals, Objectives, and Policies

Table 4.1-1 identifies land use goals, objectives, and policies that provide guidance for future land use patterns. The table also indicates which Land Use evaluation criteria are responsive to each set of policies.

Table 4.1-1

General Plan Goals, Objectives, and Policies - Land Use and Agriculture

Adopted Plan Document	Document Section	Document Numeric Reference	Policy	Relevant Evaluation Criteria¹
San Joaquin County General Plan	Agricultural Land Element	Preservation of Agricultural Lands/Compatible Uses Policy 10	Non-agricultural land uses at the edge of agricultural areas shall incorporate adequate buffers (e.g. fences and setbacks) to prevent conflicts with adjoining agricultural operations	1, 2, 3
Lodi General Plan	Land Use & Growth Management Element	Policy B-1	The City shall encourage the preservation of agricultural land surrounding the City	1, 2, 3
Lodi General Plan	Conservation Element	Policy C-2	The City shall ensure, in approving urban development near existing agricultural lands, that such development will not constrain agricultural practices or adversely affect economic viability of adjacent agricultural practices	1, 2, 3
Lodi General Plan	Parks, Recreation, and Open Space Element	Policy D-1	The City shall discourage the premature conversion of agricultural lands to urban uses.	1 & 3

Source: Parsons, 2001

¹Evaluation criteria can be found in Table 4.1-2

EVALUATION CRITERIA WITH POINTS OF SIGNIFICANCE

A change in land use is defined as a change from one land use type to another (e.g., from public facilities to retail or commercial).

Table 4.1-2

Evaluation Criteria with Point of Significance - Land Use

Evaluation Criteria	As Measured by	Point of Significance	Justification
1. Will the project involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use?	Acres of land	Greater than 0 acres of land	CEQA, City of Lodi General Plan
2. Will the Project be inconsistent with zoning?	Acres of land	Greater than 0 acres of land	City of Lodi zoning regulations
3. Will the Project increase potential for conflict as a result of incompatible land uses?	Lineal feet of incompatible uses	Greater than 0 lineal feet	City of Lodi General Plan; San Joaquin County General Plan

Source: Parsons, 2001

METHODOLOGY

The adopted General Plan land use maps and two previous DEIR's for the site (Jones & Stokes Associates, Inc 1988; QUAD Consultants, Inc. 1995) were used to determine planned land uses as the basis for evaluation of impacts. Existing land uses were determined from aerial photographs, supplemented by field observations in areas adjacent to project changes.

ENVIRONMENTAL CONSEQUENCES (IMPACTS) AND RECOMMENDED MITIGATION

Table 4.1-3

Land Use Impacts

Evaluation Criteria	As Measured by	Point of Significance	Impact	Type of Impact ¹	Level of Significance ²
1. Will the project involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use?	Acres of land	Greater than 0 acres of land	High	P	⊙
2. Will the Project be inconsistent with zoning?	Acres of land	Greater than 0 acres of land	Low	P	⊙
3. Will the Project increase potential for conflict as a result of incompatible land uses?	Lineal feet of incompatible uses	Greater than 0 lineal feet	Moderate to High	P	●

Source: Parsons, 2001

1. C: Construction P: Permanent

2. Level of Significance Codes

-- Not applicable

== No impact

● Significant impact before and after mitigation

⊙ Significant impact; less than significant after mitigation

○ Less than significant impact; no mitigation proposed

Impact: **4.1-1 Will the project involve changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use?**

Analysis: *Significant Impact; Project and Sports Use Only*

The construction of the dormitory, hotel, restaurant, retail facilities, field house, central stadium, office and training center, medical clinic, aquatic center, outdoor courts, maintenance yard, ice rink, and parking areas will result in the loss of land available for agriculture uses. The construction of the field house, central stadium, office and training center, medical clinic, aquatic center, outdoor courts, maintenance yard, ice rink, and parking areas for the sports use only alternative will also result in the loss of land

available for agriculture uses. Agricultural buffers and a green belt would be necessary to buffer the high human-use areas from agricultural activities.

Mitigation: 4.1-1 Agricultural Land Preservation

Through ProStyle Sports, the City of Lodi should purchase an equal acreage of agricultural land to compensate for the loss of acreage taken-up by the proposed buildings, parking lots, and roads of the ProStyle facility. In coordination with the White Slough Wastewater Master Plan, this agricultural land (at least a portion (210 acres) of the agricultural land) should also be used to accept discharged biosolids and industrial effluent that was once discharged onto the ProStyle Sports Complex site. Implementation of this mitigation measure would reduce the impact to a less than significant level.

After

Mitigation: *Less than Significant; Project and Sports Use Only*

Analysis: *Less than Significant; Alternate Site*

The alternative site is located on land that is currently being farmed. The site is not protected under a Williamson Act contract, is zoned for public use, and is located adjacent to residential and commercial areas, thereby reducing its value as prime agricultural land. In addition, development of this site would not induce development of nearby farmland.

Mitigation: No mitigation is necessary

Analysis: *No Impact; No Project Alternative*

The No Project Alternative would not result in any changes to the current land use and therefore would not result in any impacts to agricultural land uses.

Mitigation: No mitigation is necessary.

Impact: 4.1-2 Will the Project be inconsistent with zoning?

Analysis: *Significant Impact; Project and Alternate Site*

The property is zoned for public facilities. The hotel and retail center are commercial land uses. The project will not conflict with zoning. The Project will conflict with Kingdon Airpark's horizontal and conical zones of influence as discussed in Section 4.4 Health and Safety. The site design can be altered to reduce potential conflict with the airport.

The alternate site is zoned for public use. The hotel and retail center are commercial land uses. A portion of the site would need to be rezoned to accommodate the commercial land uses.

Mitigation: **4.1-2 Zoning and General Plan Compliance**

The Alternate Site would need to be rezoned to accommodate commercial land uses. Facilities at the Project Site would need to be situated to comply with the airpark's zone of influence. Implementation of these mitigation measures would reduce the impact to a less than significant level.

After

Mitigation: *Less than Significant; Project and Alternate Site*

Analysis: *No Impact; No Project Alternative and Sports Use Only*

The No Project Alternative would not result in changes to the current land use and therefore would not result in impacts to zoning. The Sports Use Only alternative would comply with current public use zoning of the site.

Mitigation: No mitigation is necessary.

Impact: 4.1-3 Will the Project increase potential for conflict as a result of incompatible land uses?

Analysis: *Significant Impact; Project, Sports Use Only, and Alternate Site*

The construction of the dormitory, hotel, restaurant, retail facilities, field house, central stadium, office and training center, medical clinic, aquatic center, outdoor courts, maintenance yard, ice rink, and parking areas will result in the loss of land available for agriculture uses. The construction of the field house, central stadium, office and training center, medical clinic, aquatic center, outdoor courts, maintenance yard, ice rink, and parking areas for the Sports Use Only alternative will result in the loss of land available for agriculture uses and will result in the location of recreational and commercial facilities in a rural agricultural area, causing conflict of operations, traffic, and other issues associated with the placement of sensitive receptors in an agricultural area. Agricultural buffers and a green belt would be necessary to buffer the high human-use areas from agricultural activities. Apparent safety conflicts will exist with crop spraying and the aquatic center. In addition, the Project will conflict with Kingdon Airpark's zone of influence.

The alternate site is adjacent to a low-density residential development to the east and a business park to the south. The use of night lighting and evening activities may disturb residences.

Mitigation: **4.1-3 Land Use Compatibility**

A land use buffer shall be incorporated into the design of the Project to reduce possible conflicts from adjacent agricultural uses. The aquatic center shall be fully enclosed to avoid effects of crop dusting spray drift on pool water.

The alternate site shall be designed so that operation and use of the facilities do not disturb or disrupt current land uses, particularly adjacent residential land uses.

Implementation of this mitigation measure would reduce the impact to a less than significant level.

After

Mitigation: *Less than Significant; Project, Sports Use Only, and Alternate Site*

Analysis: *No Impact; No Project Alternative*

The No Project Alternative would not result in any changes to the current land use and therefore would not result in any impacts to land use.

Mitigation: No mitigation is necessary.

CUMULATIVE IMPACTS

Because project changes have significant land use impacts, there are cumulative impacts. The State of California Department of Food and Agriculture (CDFA) regards the conversion of farmland to non-agricultural use as a cumulatively considerable impact. This is particularly true when compared to the other projects in the vicinity that will result in the conversion of agricultural land to commercial and residential areas near the project site, and within a primarily rural agricultural area. The CDFA regards the ProStyle Sports Complex as a “classic example of leapfrog development” that would put the entire area of farmland between the proposed site and the existing urban area of Lodi at risk for farmland loss. Although additional agricultural land would be purchased to compensate for the loss of agricultural land and to provide an area to dispose of biosolids and industrial effluent, a reduction in the overall amount of agricultural land in the area occurs (400 acres of all the agricultural land in the area would be developed and no longer available for agricultural use). This impact is significant and unavoidable.